

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 13744, of Fred Hurowitz, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Sub-section 5102.3) to use the subject premises as an amusement enterprise in a C-2-A District at the premises 1023 Bladensburg Road, N.E., (Square 4473, Lot 61).

HEARING DATE: May 12, 1982  
DECISION DATE: June 2, 1982

FINDINGS OF FACT:

1. The subject property is located on the east side of Bladensburg Road between K and L Streets, N.E. and is known as premises 1023 Bladensburg Road, N.E. It is zoned C-2-A.

2. The subject property is developed with a one-story structure which presently has a valid Certificate of Occupancy for a billiard parlor. A prior certificate of occupancy was issued in 1968 for office use.

3. The frontage on Bladensburg Road on both sides in this block is zoned C-2-A and contains various C-2-A types of businesses such as a variety store, used car lot, gas station, auto repair shops, beauty parlor, etc.

4. The applicant proposes to use the premises as an amusement arcade which would operate from 12 noon to 12 midnight. The billiard parlor which occupies the premises is currently operating at a loss and it is the applicant's contention that the addition of the video machines is necessary to make the use economically viable.

5. The applicant presented no testimony or evidence that the property was affected by any exceptional or extraordinary condition.

6. The property can be used for a commercial purpose permitted in a C-2 District as evidenced by its current use as a billiard parlor and its previous use as an office.

7. The proprietor of a nearby supermarket submitted a statement at the public hearing in opposition to the application alleging an increase in crime in the area due to an increase in the number of people drawn to the neighborhood by the use.

8. The Office of Planning and Development, by memorandum dated May 7, 1982, and testimony at the public hearing, recommended that this application be denied. The OPD found that there is no unique hardship in using the premises as prescribed by the Zoning Regulations, and that the introduction of an amusement arcade would be contrary to the planning objectives, as embodied in the zoning, for the Bladensburg Road commercial corridor. The Board concurs with the findings and recommendation of the OPD.

9. The Advisory Neighborhood Commission 5B made no recommendation in this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a use variance, the granting of which requires proof of a hardship that is inherent in the property itself. The Board concludes that no such hardship exists as evidenced by the existing use of the property. Further, the Board concludes that the applicant's request is based on personal economic reasons and that he has not met the burden of proof. No probative evidence was offered that the property could not be put to a use permitted in the C-2-A District.

The Board further concludes that the relief cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application be DENIED.

VOTE: 4-0 (Walter B. Lewis, Connie Fortune and Charles R. Norris to DENY; William F. McIntosh to DENY by PROXY; Douglas J. Patton not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: AUG 31 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."